

## **EXHIBIT 12**

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*Special Counsel to Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

V.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendants.

12 Misc. 00115 (JSR)

In re MADOFF SECURITIES

PERTAINS TO THE CASES LISTED IN EXHIBIT  
A

**JOINDER TO THE TRUSTEE'S MEMORANDUM OF LAW IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS CONCERNING  
EXTRATERRITORIALITY AS ORDERED BY THE COURT ON JUNE 6, 2012**

Windels Marx Lane & Mittendorf, LLP is Special Counsel to Irving H. Picard, trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Trustee”), and is counsel of record for the Trustee in the adversary proceedings listed in Exhibit A. By Order of this Court dated June 6, 2012 (the

“Extraterritoriality Order”), the reference of certain adversary proceedings was withdrawn for the limited purpose of deciding the Extraterritoriality Issue (as defined in the Extraterritoriality Order). An Order of this Court dated June 25, 2012 added more adversary proceedings to the Extraterritoriality Order.

In the above noted capacity, Windels Marx hereby joins in its entirety the Trustee’s Memorandum of Law in Opposition to Defendants’ Motion to Dismiss Concerning Extraterritoriality as Ordered by the Court on June 6, 2012, filed by Baker Hostetler on August 17, 2012 in the consolidated docket *SIPC v. Bernard L. Madoff Investment Securities LLC (In re Madoff Securities)*, District Court Case No. 12 Misc. 00115 (JSR) [Dkt. No. 310], and all arguments asserted therein.

Dated: New York, New York  
August 17, 2012

By: /s/ Howard L. Simon  
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Bernard L. Madoff*

## EXHIBIT A

### EXTRATERRITORIALITY WINDELS MARX ADVERSARY PROCEEDINGS

	CASES	DISTRICT COURT CASE NO.	COUNSEL REPRESENTATION
1	<b><i>Picard v. Trincaster Corporation</i></b>	12-cv-02486-JSR	Cravath, Swaine & Moore LLP David Greenwald (dgreenwald@cravath.com) Richard Levin (rlevin@cravath.com)
2	<b><i>Picard v. Royal Bank of Canada, et al.</i></b>	12-cv-04938-JSR	Katten Muchin Rosenman LLP Anthony L. Paccione (anthony.paccione@kattenlaw.com) Bruce M. Sabados (bruce.sabados@kattenlaw.com) Mark T. Ciani (mark.ciani@kattenlaw .com)

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Substantively Consolidated SIPA Liquidation of  
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Bernard L. Madoff*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendants.	12 Misc. 00115 (JSR)
In re MADOFF SECURITIES	
PERTAINS TO THE FOLLOWING CASES:	
IRVING H. PICARD,  Plaintiff,  v.  TRINCASTER CORPORATION  Defendant.	Adv. Pro. No. 11-02731 (BRL)  District Court Case No. 12 Civ. 02486 (JSR)

IRVING H. PICARD,  Plaintiff,  v.  ROYAL BANK OF CANADA, et al.  Defendants.	Adv. Pro. No. 12-01699 (BRL)  District Court Case No. 12 Civ. 04938 (JSR)
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**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                          ) SS.:  
COUNTY OF NEW YORK    )

Yani Indrajana Ho, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and is employed at Windels Marx Lane & Mittendorf, LLP, 156 West 56th Street, New York, NY 10019, and that on August 17, 2012, I served the

**Joinder to the Trustee's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Concerning Extraterritoriality as Ordered by the Court on June 6, 2012**

upon the interested parties by emailing those parties as set forth on the attached Schedule A, true and correct copies via electronic transmission to the email addresses as set forth on the attached Schedule A.

/s/ Yani Indrajana Ho  
Yani Indrajana Ho

Sworn to before me this  
17th Day of August 2012

/s/ Maritza Segarra  
Maritza Segarra  
Notary Public, State of New York  
No. 03-4652865  
Qualified in Westchester County  
Commission Expires December 31, 2013

**SCHEDULE A**

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